

Page 5 of 8
Application No. 09/877,371
Amendment E

REMARKS

In response to the office action mailed October 20, 2004, Applicants present the following. No claims have been amended, canceled or added herein. Claims 2, 9-10, 13, 16, 18-20 and 22 have been previously canceled. For the Examiner's convenience, Applicants provide the listing of the currently pending claims beginning on page 2. Thirteen (13) claims remain pending in the application: Claims 1, 3-8, 11, 12, 14, 15, 17 and 21. Reconsideration of claims 1, 3-8, 11, 12, 14, 15, 17 and 21 in view of the remarks below is respectfully requested.

Applicants acknowledge with appreciation the Examiner's indication that claims 4-6 and 21 would be allowable if rewritten in independent form. By way of this amendment, Applicants have made a diligent effort to place all of the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Information Disclosure Statement

1. To follow up with Applicants previous request in Amendment D filed September 17, 2004, Applicants request that the Examiner consider the references provided in the electronic IDS filed May 3, 2004 (EFS ID: 60308) and provide Applicants with an initialed copy indicating that the references were considered. For the Examiner's convenience, a copy of this electronic IDS obtained through the image file wrapper is attached hereto.

Claims Conflicting with Other Pending Application

2. Claims 1, 3, 7, 8, 11, 12, 14, 15, and 17 of this application conflict with claims 2, 4, 14, 17, 21, 22 and 26 of copending application no. 09/877,509 (the '509

404508_1

Page 6 of 8
Application No. 09/877,371
Amendment E

application) under 37 C.F.R. 1.78(b).

Claims 1, 3, 7, 8, 11, 12, 14, 15, and 17 of this application do not conflict with currently pending claims 2, 4, 14, 17, 21, 22 and 26 of the '509 application. Claims 1, 3, 7, 8, 11, 12, 14, 15, and 17 do not conflict at least because they recite limitations not present in claims 2, 4, 14, 17, 21, 22 and 26 of the '509 application. It is even admitted in paragraph 4 of page 3 of the present office action that the claims are not identical. For example, claims 1, 3, 7, 8, 11, 12, 14, 15, and 17 of the present application require "one or more in-laid linear isolation barriers formed within the thickness of a top surface of the cathode substrate", while claims 2, 4, 14, 17, 21, 22 and 26 of the '509 application require "a plurality of linear isolation barriers each having a length and a thickness and attached to a top surface of the cathode substrate". Additionally, there are other limitations present in claims 2, 4, 14, 17, 21, 22 and 26 of the '509 application as they currently exist that are not present in claims 1, 3, 7, 8, 11, 12, 14, 15, and 17 of the present application.

Therefore, since the present claims include limitations not required by the co-pending claims and vice versa, this represents a clear line of demarcation, and thus, it is respectfully submitted that there is no conflict and that the rejection is overcome and should be withdrawn.

Double Patenting

3. Claims 1, 3, 7, 8, 11, 12, 14, 15, and 17 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2, 4, 14, 17, 21, 22 and 26 of copending application no. 09/877,509.

Applicants submit that both the present application and the co-pending application are commonly owned by Sony Corporation and Sony Electronics Inc. For example, the present application has been assigned to Sony Corporation and Sony

404508_1

Page 7 of 8
Application No. 09/877,371
Amendment E

Electronics Inc. and recorded at reel and frame 011900/0478 while application number 09/877,509 has been assigned to Sony Corporation and Sony Electronics Inc. and recorded at reel and frame number 011893/0412. Applicants submit herewith a terminal disclaimer in compliance with 37 C.F.R. 1.321(c). Therefore, it is respectfully submitted that the rejection should be overcome and withdrawn.

Allowable Subject Matter

4. Claims 4-6 and 21 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. It is respectfully submitted that given Applicants response in Paragraph 2 above and with the attached terminal disclaimer, that all of claims 1, 3-8, 11, 12, 14, 15, 17 and 21 are in condition for allowance as they currently exist. Thus, it is respectfully submitted that the objection is overcome and should be withdrawn.

404508_1

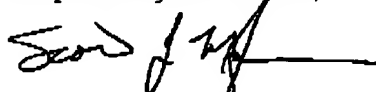
Page 8 of 8
Application No. 09/877,371
Amendment E

CONCLUSION

Applicants submit that all of the pending claims in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

Dated: January 18, 2005

Respectfully submitted,



Scott J. Menghini
Reg. No. 42,880
Attorney for Applicants
(858) 552-1311

Attachments:

Terminal Disclaimer (1 page)
Copy of electronic IDS (EFS ID 60308) (4 pages)

Address all correspondence to:
FITCH, EVEN, TABIN & FLANNERY
120 So. LaSalle Street, Ste. 1600
Chicago, IL 60603

404508_1